

REMARKS

In the Office Action dated July 21, 2008, the Examiner rejected claims 1, 3-4, 6-14 under 35 USC § 102(e) as being anticipated by U.S. Patent 6,863,493 to Stones et al. ("Stones et al."). Applicant traverses these rejections and seeks favorable reconsideration in view of the following remarks.

It is respectfully submitted that in rejecting these claims, the Examiner has misconstrued and misapplied the cited reference. The Examiner refers to elements in Figure 1, the then prior art, which is a cross section through a known compound vacuum pump, and to other elements not in Figure 1 but in Figure 2 which is a cross section through a vacuum pump illustrating a lubricating system for lubricating an upper bearing of a rotating shaft. Applicant submits that it is improper to combine the elements of one of the figures with that of the other figure as each addresses different subject matter and for different purposes. Moreover, and most importantly, the Examiner has misinterpreted the teachings of Stones et al. to disclose a drive shaft which is "supported by a lubricant free bearing (lower bearing (26) shown in Figure 2 ... column 2 lines 41-48) ...."

The disclosure of Stones et al. is directed to a vacuum pump having, in part, a lubricating system for an upper bearing 24 shown in Fig. 2, and described in column 2 lines 49-62. Stones et al. does not discuss, nor disclose nor even intimate how the lower bearing 26 is to function or any of the characteristics of the lower bearing 26. Any assertion that element 26 is what the Examiner believes it to be, i.e. a bearing which is not lubricated, is not supported by anything disclosed in Stones et al.! Applicant submits that the Examiner's assertion that lower bearing 26 shown in Figure 2 as a cross-hatched rectangle is a non-lubricated bearing is not found anywhere in the cited reference. In addition, assuming *arguendo* that element 26 which is shown simply as a cross-hatched rectangular shape in Fig. 2 had been labeled as a non-lubricating

bearing, since the specification is devoid of any description or function or characteristic of any non-lubricated bearing, such teaching would never be enabling to one of ordinary skill in the art.

Applicant respectfully submits that claims 1, 3-4 and 6-14 which claims, in part, a drive shaft supported by a lubricant free bearing are not anticipated by Stones et al. and should be withdrawn.

The Examiner rejected claims 2 and 15-17 under 35 USC § 103(a) as obvious over Stones et al. in view of U.S. Patent No. 5,667,363 to Bernhardt et al. ("Bernhardt et al."). Applicant traverses these rejections and seeks favorable reconsideration in view of the following remarks.

Applicant respectfully submits that the combination of the cited references do not achieve nor render obvious the invention as claimed in claims 2 and 15-17 (which depend directly or indirectly from claim 1 or claim 14) for at least the above-stated reasons that claims 1, 3-4 and 6-14 are not anticipated by nor rendered obvious by Stones et al. alone or in combination with Bernhardt et al.

Applicant accordingly submits that claims 2 and 15-17 are not rendered obvious by Stones et al. alone or in combination with Bernhardt et al. and should be withdrawn.

The Examiner rejected claim 5 under 35 USC § 103(a) as unpatentable over Stones et al. in view of U.S. Patent No. 4,767,265 to Osterstom ("Osterstom"). Applicant traverses this rejection and seeks favorable reconsideration in view of the following remarks.

Applicant submits that the combination of the cited references do not achieve nor render obvious the invention as claimed in claim 5 (which depends indirectly from claim 1) for at least the same reasons that claims 1, 3-4 and 6-14 are not taught by or

rendered obvious by Stones et al. alone or in combination with Osterstom and should be withdrawn.

In conclusion, Applicant submits that the cited references alone or in combination do not anticipate nor render obvious pending claims 1-17, and that the application should be allowed and promptly passed to issue.

Respectfully submitted,

Date: *October 21, 2008*  
Edwards Vacuum, Inc.  
Legal Services - Intellectual Property  
55 Madison Avenue, Suite 400  
Morristown, NJ 07960  
(973) 285-3307

*Ira Lee Zembrak*  
Ira Lee Zembrak, Esq.  
Attorney for Applicant(s)  
Reg. No. 31,147

**CUSTOMER NO.: 71134**

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